

INSTRUCTION NO. [1-001]

[Preliminary Instruction No. 1 Revised, 2003]

It is important that as jurors and officers of this Court you obey the following instructions at any time you leave the jury box, whether it be for recesses of the Court during the day or when you leave the courtroom to go home at night.

First, do not talk about this case either among yourselves or with anyone else during the course of this trial. In fairness to the Defendants and to the State of Montana, you should keep an open mind throughout the trial and not form or express an opinion about the case. You should only reach your decision after you have heard all the evidence, after you have heard my final instructions and after the attorneys' final arguments. You may only enter into discussion about this case with the other members of the jury after it is submitted to you for your decision. All such discussion should take place in the jury room.

Second, do not let any person talk about this case in your presence. If anyone does talk about it, tell them you are a juror on the case. If they won't stop talking, leave and report the incident to me as soon as you are able to do so. You should not tell any of your fellow jurors about what has happened. You should not talk to your fellow jurors about anything that you feel necessary to bring to the attention of the judge.

Third, although it is a normal human tendency to talk and visit with people, both at home and in public, you may not, during the time you serve on this jury, talk with any of the parties or their attorneys or any witnesses. By this, I mean not only do not talk about the case, but do not talk at all, even to pass the time of day. In no other way can all parties be assured of the fairness they are entitled to expect from you as jurors.

Fourth, during this trial you may not make any investigation of this case or inquiry outside of the courtroom on your own. You may not go to any place mentioned in the testimony without explicit order from me to do so. You must not consult any books, dictionaries, encyclopedias or any other source of information unless I specifically

authorize you to do so.

Fifth, do not read about the case in the newspapers. Do not listen to radio or television broadcasts about the trial. News accounts may be incomplete or may contain matters that are not proper evidence for your consideration. You must base your verdict solely on what is presented in Court and not upon newspapers, radio, television or any other version of what may have happened. You are now sworn jurors in this case, and you will hear the evidence and thus be in a better position than anyone else to know the true facts.

Sixth, if during the course of the trial there is reason to believe any of these rules have been violated, I will make inquiry of individual jurors and take appropriate action.

GIVEN: _____
DISTRICT JUDGE

SOURCE: MCJI 1-001

Plaintiff's Proposed Instruction No.____ Defendant's Proposed Instruction No.____

Given as Instruction No.____ Refused____ Withdrawn____ By____

[Preliminary Instruction No. 1]

SOURCE: MCJI 1-001

COMMENT: Cite as MCJI 1-001 Revised (2003)

This instruction was revised by the Commission in August, 2003 at the request of the media. Specifically, the language in the earlier version about news reports being “inaccurate” was deleted in favor of the present language. The Commission believes that the purpose of the instruction is to discourage jurors from reading news accounts of a case, not to be critical of the media.